

THIRTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
March 3, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Fellbaum.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent of the membership of the Senate the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Holbrook:

S. B. No. 414, A bill to be entitled "An Act to specifically repeal so much of Article 6562, Chapter 1, Title 113, of the Revised Statutes of the State of Texas of 1925 as does or may authorize the payment of longevity pay to the ranger force."

Read and referred to Committee on Finance.

By Senator Greer:

S. B. No. 415, A bill to be entitled "An Act pursuant to Section 1, Article VII of the State Constitution and/or for the purposes of promoting the public school interest and equalization of educational opportunities to all children of scholastic age located and living in each county of the State, providing for all moneys provided and appropriated by the Legislature to aid in equalization of public school education opportunities and/or providing high school tuition, according to law, for the scholastic year beginning September 1, 1933, and ending August 31, 1934, and likewise for the scholastic year beginning September 1, 1934, and ending August 31, 1935, and any and all appropriations for same or similar purposes for any period thereafter, to be placed in the State Treasury to the credit of a fund to be known as the 'Public School Equalization Fund,' herein created upon authority of this Act, to be allotted and expended in accordance with provisions of this Act; providing for transfer of any unexpended balance any scholastic year to such fund for the succeeding scholastic year; providing none of said 'Public School Equalization Fund' shall be used after August 31, 1935, unless the Legislature shall hereafter make specific appropriation in accordance with provisions of Section 6, Article 8 of the State Constitution, declaring legislative intent to confine the appropriations for use within the constitutional limit of two (2) years; etc., and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Hopkins, Russek, and Woodward:

S. B. No. 416, A bill to be entitled "An Act providing that the Banking Commissioner of the State of Texas, with the approval of the Governor of Texas, from and after the passage of this Act, be and he is hereby authorized and empowered to declare financial moratoriums for and invoke a uniform limitation withdrawal, co-extensive with the boundaries of the State, of deposits from all State banks, national banks, State banks and trust companies, trust companies, private banks, building and loan associations, and all other

banking and financial institutions in the State of Texas, or both such moratoriums and limitations of withdrawal of deposits, and to promulgate any and all orders and decrees necessary to enforce such powers herein delegated; providing for penalties for violations; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

Senators Excused.

The following Senators were excused for the day:

Senator Beck, illness, on motion of Senator Patton.

Senator Cousins, important business, on motion of Senator Redditt.

Senate Bill No. 195.

The Chair laid before the Senate as special order, the following bill:

By Senator Greer:

S. B. No. 195, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read.

On motion of Senator Poage, the bill was laid on the table subject to call.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 27, Relative to compensation for damage done by the State Highway Department to W. E. Pope.

H. C. R. No. 41, In memory of the Hon. Thomas J. Walsh.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. Referred.

H. C. R. No. 27, referred to Committee on State Highways and Motor Traffic.

S. C. R. No. 12.

The Chair laid before the Senate: S. C. R. No. 12, Granting John W. Almond, Jr., permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senators Poage and DeBerry received unanimous consent to be recorded as voting nay.

S. C. R. No. 15.

The Chair laid before the Senate: S. C. R. No. 15, Granting Col-Tex Refining Company permission to sue the State.

The committee report recommending that the resolution be not printed was adopted unanimously.

The resolution was adopted.

Senators Poage and DeBerry received unanimous consent to be recorded as voting nay.

S. C. R. No. 19.

The Chair laid before the Senate:

S. C. R. No. 19, Granting Mrs. Ruth Shannon premission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senators Poage and DeBerry received unanimous consent to be recorded as voting nay.

S. C. R. No. 21.

The Chair laid before the Senate: S. C. R. No. 21, Granting G. B. White and B. White permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

On motion of Senator Holbrook, the resolution was laid on the table subject to call.

S. C. R. No. 22.

The Chair laid before the Senate: S. C. R. No. 22, Granting S. E. Harris permission to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senators Poage and DeBerry received unanimous consent to be recorded as voting nay.

S. C. R. No. 23.

The Chair laid before the Senate:
S. C. R. No. 23, Granting O. P.
Bateman permission to sue the State.

The committee report recommend-
ing that the resolution be not printed
was adopted by unanimous consent.

The resolution was adopted.

Senators Poage and DeBerry re-
ceived unanimous consent to be re-
corded as voting "Nay."

Motion to Concur.

Senator Duggan moved to concur
in the House amendment to S. B. No.
146.

The motion prevailed.

Bills Signed.

The Chair, Lieutenant Governor
Edgar E. Witt, gave notice of sign-
ing, and did sign, in the presence of
the Senate, after their captions had
been read, the following bills:

S. B. No. 82. S. B. No. 146.
S. B. No. 153.

Senate Bill No. 57.

The Chair laid before the Senate
the following bill:

By Senator Woodward:

S. B. No. 57, A bill to be entitled
"An Act to amend Article 1839,
Chapter 3, Title 39, of the Revised
Civil Statutes as amended by the
Acts of the Regular Session of the
Forty-second Legislature of the
State of Texas, so as to fix the
time for filing the transcript in the
Court of Civil Appeals and provid-
ing for an extension of such time
for cause shown and declaring an
emergency."

Read second time.

On motion of Senator Hornsby, the
bill was laid on the table subject to
call.

Senate Bill No. 58.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Woodward:

S. B. No. 58, A bill to be entitled
"An Act to give further certainty to
appellate jurisdiction by adding to
the Revised Statutes, Article 1840a,
providing for waiver and cure of
objection as to the various notices

and bonds required for its perfec-
tion and declaring an emergency."

Read second time.

On motion of Senator Hornsby,
the bill was laid on the table sub-
ject to call.

Senate Bill No. 165.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Duggan:

S. B. No. 165, A bill to be entitled
"An Act to amend Article 2008,
Chapter 2, Revised Civil Statutes of
1925, by adding thereto that 'should
the judgment of the trial court be
one overruling the plea of privilege
the party filing such plea of privilege
need not appeal from such order in
advance of the trial of such case on
the merits but may assign error or
cross-assignment of error on appeal,
as to such overruling of the plea,
from the judgment on the merits of
such controversy.'"

Read second time.

Senator Collie sent up the follow-
ing amendment:

Amend S. B. No. 165 in line 21
after the word "defendant" by in-
serting the words "filing such plea of
privilege."

COLLIE.

Read and adopted.

Senator Duggan received unani-
mous consent to amend the bill and
the caption by adding the emer-
gency clause.

The bill was passed to engross-
ment.

On motion of Senator Duggan the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 165 was put
on its third reading and final passage
by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck. Neal.
Cousins.

Read third time and finally passed
by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck. Neal.
Cousins.

Senate Bill No. 154.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Redditt:

S. B. No. 154, A bill to be entitled
"An Act authorizing and empower-
ing the State Board of Education to
purchase legally issued warrants and
vouchers issued to teachers and oth-
er employees of the Common and In-
dependent School Districts of Texas;
providing procedure of purchase;
and providing the rate of interest on
said warrants or vouchers, and fur-
ther providing liens to secure the
payment of same."

Read second time.

On motion of Senator Rawlings.
the bill was laid on the table subject
to call.

Senate Bill No. 60.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Woodward::

S. B. No. 60, A bill to be entitled
"An Act to amend Article 1738 Re-
vised Civil Statutes of Texas of 1925
(as amended by the Acts of 1927.
Fortieth Legislature, First Called
Session, p. 148 ch. 51, Sec. 1) so
as to provide that the equalization of

the business of the Courts of Civil
Appeals shall be made by the Su-
preme Court as of the close of busi-
ness in said Courts of Civil Appeals
on December 31st and May 31st of
each year; and declaring an emer-
gency."

Read second time.

On motion of Senator Stone, the
bill was laid on the table subject
to call.

Senate Bill No. 34.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Regan:

S. B. No. 34, A bill to be entitled
"An Act providing for a closed sea-
son in Glasscock County upon quail,
doves, and pheasants, for a period
of three (3) years, and declaring an
emergency."

Read second time.

On motion of Senator Regan, the
bill was indefinitely postponed, in-
asmuch as a House bill on the same
subject had already been passed by
the Senate.

Senate Bill No. 40.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Duggan:

S. B. No. 40, A bill to be entitled
"An Act to declare a closed season
on the killing of blue quail, bob
whites and doves in Yoakum County
for a period of five years, prescrib-
ing a penalty therefor, and declaring
an emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to engrossment.

On motion of Senator Duggan the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 40 was put
on its third reading and final pas-
sage by the following vote:

Yeas—28.

Blackert.	Holbrook.
Collie.	Hopkins.
DeBerry.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.
Greer.	Murphy.

Oneal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Senate Bill No. 104.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 104, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 104 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Senate Bill No. 133.

The Chair laid before the Senate on its second reading the following bill:

By Senators Hopkins and Russek:

S. B. No. 133, A bill to be entitled "An Act providing for the appointment by the district judge of the 25th Judicial District of Texas composed of the counties of Guadalupe, Gonzales, Colorado and Lavaca, or the judge of the judicial district of which the counties of Guadalupe, Gonzales, Colorado and Lavaca are a part thereof, of an official shorthand reporter for such district; providing his qualification, etc., and declaring an emergency."

Read second time.

On motion of Senator Russek, the bill was laid on the table subject to call.

Senate Bill No. 128.

- By unanimous consent of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Purl:

S. B. No. 128, A bill to be entitled "An Act to amend Article 2317 of the Revised Civil Statutes of Texas of 1925, relating to the administration of the affairs of a corporation; and declaring an emergency."

Read second time.

Senator Poage sent up the following amendment:

Amend S. B. 128, line 20, by adding after the words "by proper order" the following "entered on the minutes after hearing held after due notice to all parties of record."

Provided no continuance of a receivership shall be for more than two years additional to the original three years.

POAGE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. 128 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Committee From the House.

The Chair recognized the door-keeper, who introduced a committee from the House. Mr. Kayton informed the Senate that Dr. Foster was present in the House and the joint session provided by S. C. R. No. 11 was now in order.

At Ease.

On motion of Senator Poage, the Senate, at 11:15 o'clock a. m., stood at ease for 20 minutes to attend the joint session.

House Bill No. 595.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Caven and Mr. Beck:

H. B. No. 595, A bill to be entitled "An Act to regulate fishing in Caddo Lake; repealing all laws or parts of laws in conflict; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 595 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Neal.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins. Neal.

Senate Bill No. 123.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Senator Woodul:

S. B. No. 123, A bill to be entitled
"An Act repealing Chapter 28 Acts
of the Forty-second Legislature,
Third Called Session, regulating the
taking of fish and shrimp in East
Galveston Bay; and declaring an
emergency."

Read second time.

Senator Woodul sent up the fol-
lowing amendments:

Amend S. B. No. 123 by striking
out all below the enacting clause and
inserting in lieu thereof the follow-
ing:

Section 1. That Section 1 of H.
B. No. 80, Chapter 28, Third
Called Session, Forty-second Legis-
lature to be amended to hereafter
read as follows.

Sec. 1. It shall be unlawful to
use strike nets, gill nets, trammel
nets or shrimp trawls, as defined by
the statutes of this State, for the
taking of fish and/or shrimp from
the waters of East Galveston Bay in
the counties of Galveston or Cham-
bers.

Sec. 2. The fact that said Act dis-
criminate in favor of some of the
fishing grounds in and near Galves-
ton Bay presents an emergency and
an imperative public necessity that
the constitutional rule requiring
bills to be read on three several
days shall be suspended and the
same is hereby suspended and this
Act shall be in force and effect from
and after its passage, and it is so
enacted.

WOODUL.

Read and adopted.

Amend S. B. No. 123 by striking
out all above the enacting clause and
inserting in lieu thereof the follow-
ing:

A BILL

To Be Entitled

An Act to amend Section 1 of
H. B. No. 80, Chapter 28, Third
Called Session, Forty-second Legisla-
ture, making it unlawful to use cer-
tain fishing gear in certain waters
of Galveston or Chambers Counties,
and declaring an emergency.

WOODUL.

Read and adopted.

The bill was passed to engross-
ment.

On motion of Senator Woodul the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. 123 was put on
its third reading and final passage
by the following vote:

Yeas—26.

Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.

Russek. Woodruff.
Small. Woodul.
Stone. Woodward.

Nays—2.

Holbrook. Sanderford.

Absent—Excused.

Beck. Neal.
Cousins.

Read third time and finally passed
by the following vote:

Yeas—25.

Blackert. Patton.
Collie. Poage.
Duggan. Purl.
Fellbaum. Rawlings.
Greer. Redditt.
Hopkins. Regan.
Hornsby. Russek.
Martin. Small.
Moore. Stone.
Murphy. Woodruff.
Oneal. Woodul.
Pace. Woodward.
Parr.

Nays—2.

Holbrook. Sanderford.

Present—Not Voting.

DeBerry.

Absent—Excused.

Beck. Neal.
Cousins.

House Bill No. 60.

The Chair laid before the Senate
by unanimous consent the following
bill:

By Mr. Alsup and Mr. Fisher:

H. B. No. 60, A bill to be entitled
"An Act to amend Chapter 6, Title
26, of the Acts of the Third
Called Session of the Forty-second
Legislature, relating to the taking of
fur-bearing animals in certain coun-
ties and declaring an emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to third reading.

On motion of Senator Oneal the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 60 was put
on its third reading and final pas-
sage by the following vote:

Yeas—28.

Blackert. Parr.
Collie. Patton.
DeBerry. Poage.
Duggan. Purl.
Fellbaum. Rawlings.
Greer. Redditt.
Holbrook. Regan.
Hopkins. Russek.
Hornsby. Sanderford.
Martin. Small.
Moore. Stone.
Murphy. Woodruff.
Oneal. Woodul.
Pace. Woodward.

Absent—Excused.

Beck. Neal.
Cousins.

Read third time and finally passed
by the following vote:

Yeas—28.

Blackert. Parr.
Collie. Patton.
DeBerry. Poage.
Duggan. Purl.
Fellbaum. Rawlings.
Greer. Redditt.
Holbrook. Regan.
Hopkins. Russek.
Hornsby. Sanderford.
Martin. Small.
Moore. Stone.
Murphy. Woodruff.
Oneal. Woodul.
Pace. Woodward.

Absent—Excused.

Beck. Neal.
Cousins.

H. C. R. No. 41.

The Chair laid before the Senate:
H. C. R. No. 41, Memorializing
Hon. Thomas J. Walsh.

Read and adopted unanimously by
a rising vote.

Free Conference Requested.

On motion of Senator Rawlings,
the Senate refused to concur in the
House amendment to H. B. No. 184
and asked for the appointment of a
Free Conference Committee.

The Chair appointed the follow-
ing on the part of the Senate:

Senators Rawlings, Oneal, Small,
Regan, Stone.

Senate Bill No. 201.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Collie:

S. B. No. 201, A bill to be entitled "An Act to authorize Panhandle & Santa Fe Railway Company to purchase, own and operate the railroad of Clinton-Oklahoma-Western Railroad Company of Texas, with its franchises and appurtenances now and hereafter owned; and the railroad of Kansas City, Mexico & Orient Railway Company of Texas with its franchise and appurtenances now and hereafter owned; and the railroad of North Plains & Santa Fe Railway Company, with its franchises and appurtenances now and hereafter owned; and until such purchase or purchases is or are made, to authorize lease by the Panhandle & Santa Fe Railway Company of the railroads and other properties of said other companies, or any of them and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 201 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third and finally passed by the following vote:

Yeas—28.

Blackert.	DeBerry.
Collie.	Duggan.

Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Senate Bill No. 250.

By unanimous consent the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Woodruff:

S. B. No. 250, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of Texas, 1925, authorizing the issuance of refunding bonds to refund bonds and matured interest coupons of common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts; and declaring an emergency."

Read second time.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 250 by adding after the word "may" in line 24, page 1, the following: "when ordered by the governing board thereof."

WOODRUFF.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 250 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.	DeBerry.
Collie.	Duggan.

Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Recess.

Senator Hornsby moved to recess until 2 o'clock p. m. The motion prevailed and at 12:20 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Senate Bill No. 57.

Senator Woodward called up from the table, where it was laid subject to call this morning, S. B. No. 57.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 57 was put on

its third reading and final passage by the following vote:

Yes—28.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—2.

Martin.	Oneal.
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Absent—Excused.

Beck.	Neal.
Cousins.	

Senate Bill No. 88.

By the following vote, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider S. B. No. 88:

Yeas—28.

Blackert.	Fellbaum.
Collie.	Greer.
DeBerry.	Holbrook.
Duggan.	Hopkins.

Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	

The Chair laid before the Senate on its second reading the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 88, A bill to be entitled "An Act amending Chapter 91, page 222, section 4 of the Acts of the Forty-first Legislature, 1929, First Called Session; relating to additional duties of the State Auditor; and declaring an emergency."

Read second time.

Senator Purl moved to lay the bill on the table subject to call. The motion prevailed.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 3, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 184. The following are conferees on the part of the House:

HOLLAND,
WALKER,
SHANNON,
BOURNE,
CALVERT.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

Executive Office,
Austin, Texas, March 3, 1933.
To the Texas Legislature:

Acting upon the request of various State banks and trust companies, and other financial institutions, including the Federal Reserve Bank,

and with the approval of the State Banking Commissioner, I, on yesterday, issued my official proclamation proclaiming a financial moratorium in the State of Texas from date until and including March 7, 1933, and in said proclamation I declared that all State and national banks and State banks and trust companies as well as private banks and other financial institutions be prohibited and enjoined from paying to any depositor or creditor upon any account or deposit liability any amount of money during the period of time covered by said proclamation, and that all of said institutions should during said time remain closed.

I fully appreciate and nobody understands better than I do that this was an unusual proceeding. I would not have assumed the responsibility of such action had I not believed and known that the Nation faces the greatest financial difficulty that ever afflicted the American people and such being the case, these are times that try men's souls and demand prompt and courageous action to deal with the problems that daily arise in official circles. Our great mass of people have deposited their meager earnings in the different institutions of the State and those that are daily engaged in the livelihood of an existence have but little time or opportunity to study or know the financial condition. With a trusting faith in the Government and Government institutions, the people have deposited their all with the assurance and feeling that their interest would be at all times protected by those in official authority.

In the last fourteen days more than fourteen states have taken various forms of similar official action taken by me on yesterday. On yesterday there were seven states in different parts of the Union that took practically the same course taken by me as Governor of Texas.

The action was taken to protect the depositing public including the great masses of our wage earners and small depositors from being made the victim of a vicious discrimination. Had I not taken such action, with the feeling of unrest and panic sweeping over the country, the large depositor and well informed business man, by private information, would have the opportunity to go quietly to the bank, withdraw his

deposit in full, and in turn bring destruction to the bank that would cause its doors to be closed and in the end ultimate loss to the great masses of the people. Such a result, of course, would destroy all business and all values, and bring about an unthinkable and intolerable condition.

Impelled by these motives, I felt it my duty to take prompt action in the manner above described in order to compose the situation until I could submit these matters to your mature and cool deliberation for prompt action and decision. I trust that you will appreciate the gravity of the situation and use all possible dispatch in passing such legislation as will protect the interest of everybody concerned having connection directly or indirectly with our financial institutions.

On last night I called together various members of the House and Senate and other citizens for an informal meeting, and after going over the entire situation fully, I was authorized to appoint a committee of three members of the House and two members of the Senate to draft a bill to be submitted to you as a basis for discussion of necessary legislation. It is my opinion that this bill, though vesting extraordinary powers, would be justified by the needs and demands of the present grave situation.

Assuring you of my continued wish to cooperate fully with you, I submit this message with continued esteem.

MIRIAM A. FERGUSON,
Governor.

S. B. No. —

A BILL

To Be Entitled

An Act providing that the Banking Commissioner of the State of Texas, with the approval of the Governor of Texas, from and after the passage of this Act, be and he is hereby authorized and empowered to declare financial moratoriums for and invoke a uniform limitation withdrawals, co-extensive with the boundaries of the State, of deposits from all State banks, national banks, State banks and trust companies, trust companies and private banks, building and loan associations, and all other banking and financial institutions in the State of Texas, or

both such moratoriums and limitations of withdrawals of deposits, and to promulgate any and all orders and decrees necessary to enforce such powers herein delegated; providing penalties for violations; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Banking Commissioner of the State of Texas, with the approval of the Governor of Texas, from and after passage of this Act, be and he is hereby authorized and empowered to declare financial moratoriums for and invoke a uniform limitation withdrawal, co-extensive with the boundaries of the State, of deposits from all State banks, national banks, State banks and trust companies, trust companies, private banks, building and loan associations, and all other banking and financial institutions in the State of Texas, or both such moratorium and limitations of withdrawal of deposit, and to promulgate any and all orders and decrees necessary to enforce such powers herein delegated.

Sec. 2. Any State bank or State banking institution, trust company, building and loan association, private bank or financial institution other than a national bank in the State of Texas, violating or refusing to comply with any order or regulation promulgated hereunder shall forfeit its charter, and the State Banking Commissioner shall thereupon take charge of and liquidate such institutions, as provided in Chapter 1, Title 16 of the Revised Civil Statutes of the State of Texas, 1925.

Any other banking institution within this State so violating or refusing to comply with any such order shall immediately forfeit its right to act as reserve agent for any State banking institution; and shall also forfeit its right to act as depository of any State, county, municipal or other public funds, and all such reserve deposits and/or deposits of State, county, municipal, or other public funds shall be immediately withdrawn by the depositor on order of the State Banking Commissioner.

Sec. 3. The fact that grave emergencies confront the people of Texas, and the fact that the finan-

cial structure of the State of Texas requires immediate action, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be and the same is hereby suspended and this Act shall become effective from and after its passage, and it is so enacted.

Senate Bill No. 416.

Senator Hopkins moved to suspend the regular order of business and take up out of its order S. B. No. 416.

Senator Small moved as a substitute that the Senate immediately resolve itself into a Committee of the Whole for the purpose of considering this bill and that the bill be referred to the Committee of the Whole. The substitute motion prevailed by the following vote:

Yeas—23.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.
Pace.	

Nays—3.

Hopkins.	Woodul.
Sanderford.	

Absent.

Fellbaum.	Redditt.
Absent—Excused.	

Beck.	Neal.
Cousins.	

The Chair appointed President Pro Tem. Walter Woodul as chairman of the Committee of the Whole.

At Ease.

On motion of Senator Woodward, the Senate, at 3:15 o'clock p. m., stood at ease subject to the call of the Chair.

In Session.

The Senate was called to order at 12:30 o'clock a. m., by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 416.

Senator Purl moved to suspend the regular order of business and take up S. B. No. 416. The motion prevailed by the following vote:

Yeas—20.

DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Nays—6.

Blackert.	Holbrook.
Collie.	Oneal.
Duggan.	Woodruff.

Absent.

Martin.

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

The motion to suspend the constitutional rule and read the bill the second time was lost by the following vote:

Yeas—19.

Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Murphy.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Nays—7.

Blackert.	Moore.
Collie.	Oneal.
DeBerry.	Woodruff.
Holbrook.	

Absent.

Martin.

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

(Four-fifths vote required.)

Adjournment.

Senator Moore moved to adjourn until 9:30 o'clock a. m., Saturday.

Senator Holbrook moved to adjourn until 10 o'clock a. m., Saturday. The motion was lost by the following vote:

Yeas—8.

Blackert.	Martin.
Collie.	Oneal.
DeBerry.	Pace.
Holbrook.	Woodruff.

Nays—19.

Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

The motion to adjourn until 9:30 was lost by the following vote:

Yeas—11.

Blackert.	Moore.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Purl.
Holbrook.	Woodruff.
Martin.	

Nays—16.

Fellbaum.	Rawlings.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Murphy.	Small.
Parr.	Stone.
Patton.	Woodul.
Poage.	Woodward.

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

Senator Collie moved to adjourn until 8:55 a. m., Saturday. The motion was lost by the following vote:

Yeas—12.

Blackert.	DeBerry.
Collie.	Duggan.

Holbrook.	Oneal.
Martin.	Pace.
Moore.	Purl.
Murphy.	Woodruff.

Nays—15.

Fellbaum.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Parr.	Stone.
Patton.	Woodul.
Poage.	Woodward.
Rawlings.	

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

On motion of Senator Hornsby the Senate, at 1:07 o'clock a. m., adjourned until 1:10 o'clock a. m.

APPENDIX.**Petitions and Memorials.****TELEGRAM**

Received at Capitol Station,
Austin, Texas.

Washington, D. C., March 3, 1933.
Hon. Bob Barker, Secretary of Senate, Austin, Texas.

Telegram received. Mrs. Garner joins me in thanking the Texas Senate for the kind sentiments expressed in resolution. To Texas we owe a debt of gratitude that can never be paid. Such honors as have been conferred upon us are due to the loyalty of Texas friends extending over a period of many years and deep in our hearts lies sincere gratitude that a kind Providence has given us such friends.

JOHN N. GARNER.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 82 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, March 2, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. B. No. 153 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 24 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 146 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 595, Regulating fishing in Caddo Lake.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, March 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 416, A bill to be entitled "An Act providing that the Banking Commissioner of the State of Texas, with the approval of the Governor of Texas, from and after the passage of this Act, be and he is hereby authorized and empowered to declare financial moratoriums for and invoke a uniform limitation withdrawal, co-extensive with the boundaries of the State, of deposits from all State banks, National banks, State banks and trust companies, trust companies, private banks, building and loan associations, and all other banking and financial institutions in the State of Texas, or both such moratoriums and limitations of with-

drawal of deposits, and to promulgate any and all orders and decrees necessary to enforce such powers herein delegated; providing for penalties for violations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole, to whom was referred

H. J. R. No. 3, Proposing to repeal Article V, of the Constitution of the State of Texas, the same being the Article creating the Judiciary Department of the State and to adopt and enact a new Article V in lieu thereof, reorganizing the Judiciary Department of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same be referred to the Committee on Constitutional Amendments.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole, to whom was referred

S. J. R. No. 12, Proposing to amend Sections 1, 2, 6 and 7, of Article V, of the Constitution of Texas, the same being the article creating the Judicial Department of the State, so as to make Sections 1, 2, 6, and 7, of Article V, read as follows; etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same be referred to the Committee on Constitutional Amendments.

ONEAL, Chairman.

Committee Room,

Austin, Texas, March 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole Senate, to whom was referred

S. B. No. 416, A bill to be entitled "An Act providing that the Banking Commissioner of the State of Texas,

with the approval of the Governor of Texas, from and after the passage of this Act, be and he is hereby authorized and empowered to declare financial moratoriums for and invoke a uniform limitation withdrawal, co-extensive with the boundaries of the State, of deposits from all State banks, national banks, State banks and trust companies, trust companies, private banks, building and loan associations, and all other banking and financial institutions in the State of Texas, or both such moratoriums and limitations of withdrawal of deposits, and to promulgate any and all orders and decrees necessary to enforce such powers herein delegated; providing for penalties for violations; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

WOODUL, Chairman.

Committee Amendment No. 1.

Amend S. B. 416 by adding Section 2A as follows:

"It is expressly provided that the provisions of this bill shall be in force and effect up to and including April 30th, 1933, when it shall terminate."

Amend the caption accordingly.

DeBERRY,
COLLIE,
MURPHY.

THIRTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,
March 4, 1933.

The Senate met at 1:10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Moore.
Collie.	Murphy.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Regan.

Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Absent—Excused.

Beck.	Neal.
Cousins.	Redditt.

Prayer by Senator DeBerry.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Regan.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent the constitutional rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Pace:

S. B. No. 417, A bill to be entitled "An Act providing that the notes, bonds, or other obligations or evidences of indebtedness of any person, firm or corporation holding mortgages or other liens on Texas real estate, may be tendered and shall be accepted in payment and satisfaction in whole or in part of the principal or interest due or to become due on such indebtedness and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Stone and Poage:

S. B. No. 418, A bill to be entitled "An Act to stay all sales under execution, order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real, personal or mixed property for debt now advertised to be made on March 7th, 1933, for a period of four weeks from said date, providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7th, 1933, shall be required for such sale on April 4th, 1933, making void all sales in violation of this Act; extending the time for return, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence